



Joint NGO Public Consultation Response to the Draft Hen Harrier Threat Response Plan

February 2024



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Introduction

This submission was prepared by staff from BirdWatch Ireland, An Taisce and the Environmental Pillar. Staff from these organisations have been participating in the Hen Harrier Threat Response Plan (HHTRP) Consultative Committee since 2015. Our role in the Committee was to be advocates for the best outcomes for the Hen Harrier, its habitats and the farming communities that support them. We have given countless hours and days of time over this period to constructive involvement in the Consultative Committee including providing scientific advice, on-the-ground knowledge of the ecology of the Hen Harrier as well as being passionate voices representing our organisations whose goal is ensure this majestic bird species has a thriving population.

The draft HHTRP issued for public consultation and to which we respond now in this submission includes some potentially positive developments. Specifically, it defines clearly the known pressures and threats facing the Hen Harrier. There are also several potentially good actions relating to ongoing support for farmers through agri-environmental schemes and addressing gaps in research, commitment to continued monitoring of Hen Harrier populations as well as actions related to forest management and removal and habitat restoration, which if implemented appropriately have the potential to deliver much-needed benefits to Hen Harrier populations.

Unfortunately, our hopes that the HHTRP would finally commit to necessary, urgent and decisive actions to deliver on the legal requirement of the Threat Response Plan 'to cease, avoid, reverse, reduce, eliminate or prevent the identified threats, pressures and hazards' have been dashed. The HHTRP will not, in our opinion, meet the legal requirement or press pause on the losses of the Hen Harrier, not to mind restoring its population.

During the lifetime of the development of the HHTRP, Hen Harrier populations have declined by one third. This marks a catastrophic failure by government to address the known pressures and threats with any urgency.

In this same time period we have taken the initiative to produce guidance to help support the process. This includes the development of a report in 2016 on Favourable Reference Values¹ which was sent to the National Parks and Wildlife Service. Environmental NGO representatives made six detailed submissions outlining our grave concerns, while highlighting the necessary conservation actions which we again reiterate in this submission².

It is incredibly disappointing therefore that the draft HHTRP does not adequately address these concerns, particularly after ten years of development; the draft HHTRP sets out actions which are vague, lacking in detail, without defined targets or measurable timelines for delivery. As such, it is impossible to stand over or support many of the actions, as in their current form they are simply insufficiently defined and targeted to be implemented in a transparent and measurable way to effect real change, change that is urgently needed.

We remain committed to ensuring that an effective TRP is delivered for the Hen Harrier and send the following submission in good faith.

Context

The Hen Harrier is one of Ireland's most iconic, best studied and in theory most protected species. It is afforded the highest level of protection under the EU's Birds Directive and since 2013 it has been subject to the development of a Hen Harrier Threat Response Plan (HHTRP), which aims to '*cease, avoid, reverse, reduce, eliminate or prevent threats to the Hen harrier*' in accordance with Article 39 of the Birds and Habitats Regulations 2011³. Despite all this it is one of Ireland's most threatened breeding bird species. Since stakeholders were invited onto the HHTRP Consultative Committee in 2015, the Hen Harrier population in the Republic of Ireland has declined by 33%, to 85 - 106 breeding pairs in 2022, while its breeding range has contracted by 27%. There has been a 59% decline in breeding pairs in survey squares which have been surveyed since the first national survey (1998-2000). Since 2007 the populations within the six Special Protection Areas (SPAs) protected for breeding Hen Harrier have declined by more than half (54%). Based on these population declines, it is likely that the Hen Harrier will be considered for inclusion on the Red-list of the *Birds of Conservation Concern in Ireland* (BoCCI) when this list is next updated⁴.

¹ https://birdwatchireland.ie/app/uploads/2024/02/HH_FRVs_BWI_FINAL_Version.pdf

² <https://environmentalpillar.ie/home/save-the-skydancer/>

³ The European Communities (Birds and Natural Habitats) Regulations 2011 to 2021 Unofficial Consolidation Updated to 28 July 2022 available here

[https://www.npws.ie/sites/default/files/files/European%20Communities%20\(Birds%20and%20Natural%20Habitats\)%20Regulations%202011%20to%202021%20-%20Unofficial%20Consolidation%20\(Updated%20to%2028%20July%202022\)\(1\).pdf](https://www.npws.ie/sites/default/files/files/European%20Communities%20(Birds%20and%20Natural%20Habitats)%20Regulations%202011%20to%202021%20-%20Unofficial%20Consolidation%20(Updated%20to%2028%20July%202022)(1).pdf)

⁴ Ruddock, M., Wilson-Parr, R., Lusby, J., Connolly, F., J. Bailey, & O'Toole, L. (2024).

The 2022 National Survey of breeding Hen Harrier in Ireland. Report prepared by Irish Raptor Study Group (IRSG), BirdWatch Ireland (BWI), Golden Eagle Trust (GET) for National Parks

& Wildlife Service (NPWS). Irish Wildlife Manuals, No. 147. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland.

Note: Cover artwork by Jacek Matysiak

The primary drivers of this catastrophic collapse have been known before the initiation of the Threat Response Plan, namely habitat loss and degradation driven by forestry, wind energy and changes in agriculture.

- Since the 1960's, over half of the land surface area of the six Hen Harrier SPAs have been afforested, including on peatlands and formerly important open habitats for Hen Harrier.
- The 2010 national Hen Harrier breeding survey identified 313 wind turbines within surveyed 10km squares. Almost one quarter of the 10km squares that contain the known winter range of Hen Harrier in Ireland overlap with wind energy developments⁵.

The three sectoral reports in addition to new and existing research confirm the need to protect Hen Harrier from the direct, indirect and cumulative impacts of forestry, agricultural intensification and wind energy development and the need to restore, connect and manage the peatland, grassland and scrub habitats that the species depends upon in its breeding and wintering grounds. These pressures and their impacts on Hen Harrier populations are appropriately identified in the draft HHTRP, however **the Actions outlined to address these pressures are not sufficient. The draft plan fails to outline clear actions, targets, timelines and responsible actors**, to:

- A. Protect Hen Harriers from afforestation, forest management, wind energy development and other disturbances within nationally important breeding and wintering grounds,
- B. Outline clear targets for habitat restoration which are linked to restoring the species to Favourable Conservation Status.

The disparity between the urgency of the plight of species and the lack of clear and defined habitat restoration targets within the HHTRP and the lack of synergy with Site Specific Conservation Objectives is extremely worrying and would appear to be a direct result of a bias in favour of the forestry and wind energy industries, over saving the species from extinction. This is probably best reflected in the fact that:

- Despite the fact that the NPWS are best placed to coordinate national restoration efforts, the Forest Service and Coillte are currently identified within the plan as the primary actors within key actions such as 38a and 38b, while these are undoubtedly important players in these Actions, habitat restoration (including forest removal, restructuring etc.) needs to be primarily informed and targeted by ecological needs and expertise to deliver the best outcomes for Hen Harrier conservation.
- The Forest Service has refused to commit to a permanent moratorium on afforestation even within the six SPAs. Within the draft HHTRP it is stated that "*The Forest Service has since confirmed that there will be no further afforestation within these SPAs until such time that the conservation status of the species is generally restored and the requirements of Article 6(3) can be met*". In the context that afforestation is identified as a primary threat to Hen Harrier Conservation within the

⁵ DHLGH (2022) Hen Harrier Conservation and the Wind Energy Sector in Ireland <https://irishriverproject.com/wp-content/uploads/2022/12/hen-harrier-and-the-wind-energy-sector.pdf>

draft HHTRP and the requirement for forest removal is identified in relevant Actions in the draft plan, it is essential that a permanent moratorium on afforestation within the six SPAs is adopted through the HHTRP. Anything short of this is unacceptable and undermines confidence in the HHTRP and its ability to restore Hen Harrier populations.

- There is insufficient detail in the draft HHTRP on the plan for forest removal and restructuring and how this will help restore Hen Harrier habitats and populations.
- There is insufficient detail in the draft HHTRP on how the impacts of forestry-related disturbances to nesting Hen Harriers will be minimised within non-designated regionally important breeding areas. The timeline for this Action (Action 43) is listed as Ongoing, however we are not aware of any formal procedures in place to reduce negative effects of forest management disturbances in non-designated regionally important breeding areas and there is no detail provided on such procedures.
- The draft HHTRP indicates that the areas which will be prioritised for forest removal will be based on low timber productivity rather than identifying areas for habitat restoration which will deliver most for Hen Harrier conservation (as set out in Action 38a).
- There is no explicit commitment that non-designated nationally important breeding and wintering grounds will be protected from afforestation and wind energy development.

The current draft plan and dire conservation status of the Hen Harrier and its habitats represents an unacceptable failure by the State, to deliver on both Irish and EU law in respect of the species and its habitats. All relevant Ministers must oversee a radical and urgent reform in the ambition and scope of HHTRP. The Hen Harrier is the canary in the coal mine for our upland ecosystems, reflecting the loss of heath, blanket bog and grassland habitats and the associated declines of species like Curlew, Skylark, Ring Ouzel, Atlantic Salmon and Freshwater Pearl Mussel. These species have coexisted with sustainable hill farming practices for millennia and their declining fortunes is inextricably linked to the socio-economic pressures on upland communities. The HHTRP must be part of a new holistic vision for Ireland's upland which prioritises supporting High Nature Value farming, ecotourism and sustainable forestry and wind energy development.

Our three high-level recommendations to restore Ireland's Hen Harrier population are:

1. Protect all nationally important Hen Harrier breeding and wintering grounds from afforestation, forest management activities, wind energy development and other pressures.
2. Restore habitat across all nationally important breeding and wintering sites using clear restoration targets and timelines.
3. Guarantee long-term support for farmers through well-funded results-based schemes across all nationally important breeding and wintering grounds.

Our detailed recommendations for the Hen Harrier Threat Response Plan are:

General Recommendations on the plan

- The government must rectify the deficiencies in the HHTRP and set out a clear plan of action including clear targets, timelines and responsible actors to urgently restore Ireland's Hen Harrier population and its habitats.
- To date decision making has happened behind closed doors within an interdepartmental steering group. A transparent and inclusive review process must be established which can be accountable and adapt and respond rapidly to any further worsening of the conservation status of the species and to non-delivery of HHTRP Actions.
- All actions within the plan must be fully in line with the best scientific advice and Ireland's legal obligations to protect and restore the species and its habitats. The plan must ensure synergy between all actions in order to deliver Favourable Conservation Status for the species.
- The plan must reflect the reality that Hen Harriers are not constrained by political borders and greater collaboration with the Northern Irish government is needed to restore the all-island population.
- The plan needs to address the negative impact that recreation activities are having on Hen Harrier as well as embracing the positive opportunities of sustainable ecotourism to boost biodiversity in our uplands.

Defining Success

The primary objective of the HHTRP should be to return the species to Favourable Conservation Status (FCS) at both population and national level. The failure of the draft HHTRP to define FCS for the species means the plan, its conservation objectives and actions are not fit for purpose.

- Favourable Reference Values (FRVs) must be adopted for the species, at both a population and Members State level, using best scientific advice and guidance. These FRVs must be used to define FCS for the species, which in turn will inform the design of conservation objectives at a network, national, and site level.
- In line with guidance from the European Commission⁶ and considering the concerns previously highlighted to the HHTRP Consultative Committee by the ENGO representatives⁷, the Site-Specific Conservation Objectives (SSCO's) must ensure that all attributes, targets and timelines deliver favourable conservation status at site level.
- SSCO's need at a minimum to restore the Hen Harrier population to the levels that were present at the time the Birds Directive came into effect and upscale FRVs in response to any historical declines in the population.

⁶ , Bijlsma, R.J. ; Agrillo, E. ; Attorre, F. ; Boitani, L. ; Brunner, A. ; Evans, P. ; Foppen, R. ; Gubbay, S. ; Janssen, J.A.M. ; Kleunen, A. van; Langhout, W. ; Pacifici, M. ; Ramirez, I. ; Rondinini, C. ; Roomen, M. van; Siepel, H. ; Swaaij, C.A.M. van; Winter, H.V. (2019). Defining and applying the concept of Favourable Reference Values for species habitats under the EU Birds and Habitats Directives: examples of setting favourable reference values. Wageningen Environmental Research.

⁷ A joint NGO response to NPWS (2021). Conservation Objectives Supporting Document: Breeding Hen Harrier. Circulation Draft. https://environmentalpillar.ie/wp-content/uploads/2024/02/A-joint-NGO-response-to-NPWS-2021-Conservation-Objectives-Supporting-Document_Breeding-Hen-Harrier.pdf

- The HHTRP as a whole must restore the species to FCS and the SSCOs must be set with this overarching objective in mind.

Law

- Additional nationally important breeding and wintering sites must be designated as SPAs, in order to address the serious deficiencies in the current SPA network, including the omission of the original candidate SPAs in the Ballyhouras, Nagles and Kilworth & Knockmealdowns Mountains⁸ and other Important Bird Areas (Ballyhouras, Nagles and the West Clare Hills).
- The state must ensure reparation and restoration in respect of the loss and degradation of habitat within sites which should have been designated⁹.
- There is a clear and urgent need to review the legality of past forestry licensing and wind farm approvals. This review must include an assessment of the need for the restoration of sites.
- The draft plan provides inadequate protection to non-designated nationally important breeding and wintering areas. For example, there is a vague commitment to protect nesting Hen Harriers within non-designated regionally important breeding areas from the impacts of forestry related disturbances but no detail provided on how this will be implemented (Action 43). Actions focused solely on reducing disturbance alone will fail to address the ecological impacts associated with afforestation.
- The HHTRP provides no protection to the habitats within non-designated regionally important breeding areas which can be afforested outside of the breeding season. The draft HHTRP outlines a commitment to avoiding the afforestation and disturbance of winter roosts rather than explicitly committing that such sites will be subject to a moratorium of afforestation, which is essential to guarantee appropriate protection to important winter roost sites. The draft HHTRP falls short of ensuring this protection.
- The wind energy actions (Actions 48-56) do not commit that there will be a moratorium on new wind farms and repowering on existing wind farms within important Hen Harrier breeding and wintering areas.
- An action is needed in the plan to ensure that non-designated regionally important breeding areas are protected from damaging activities which may negatively impact on the State's ability to achieve FCS for the species. With particular attention to the key sectoral pressures of forestry, agriculture and wind energy.

Policy

The policy context in which the HHTRP will be implemented is dramatically different to the situation when it was first initiated and this point must be reflected in the final TRP as well as

⁸ Joint NGO Submission (2016) Hen Harrier Conservation and the Forestry Sector in Ireland https://environmentalpillar.ie/wp-content/uploads/2024/02/eNGO-submission-to-HHTRP_Jan-2016.pdf

⁹ C-418/04 - Commission v Ireland <https://curia.europa.eu/juris/liste.jsf?language=en&num=C-418/04>

actions needed to meet new obligations. These new actions should be included in the HHTRP:

- The Irish State has declared a biodiversity and climate emergency and we must address both. The HHTRP must ensure full compliance with any safeguards protecting biodiversity and carbon soils in the Forestry Programme (2023-2027), and the targets relating to the restoration and reestablishment of habitats within the EU's Nature Restoration Law, the EU Biodiversity Strategy and Ireland's Climate Action Plan.
- The restoration of Ireland's Hen Harrier population, its habitats, including Annex I habitats and SPAs must be a priority objective within Ireland's National Restoration Plan with this action reflected in the TRP.
- To restore nature at scale and deliver on the recommendations of the Citizens Assembly on Biodiversity Loss the government must deliver on the Programme for Government commitments in relation to Coillte¹⁰ and Bord Na Móna, to ensure that the protection and restoration of biodiversity and climate action are core obligations of these organisations. Nationally important Hen Harrier breeding and wintering areas on public land should be identified as a priority for forest to peatland restoration.

Forestry

Considering that the direct, indirect and cumulative effect of forestry and forestry management activities are a primary driver of the collapse in Ireland's Hen Harrier population and in particular the known negative impact of closed canopy and pre-thicket forestry; actions must be introduced in the plan to address the following priorities:

- The moratorium on afforestation within breeding Hen Harrier SPAs must be maintained indefinitely.
- The moratorium on afforestation must be expanded to other non-designated regionally important breeding and wintering areas, including non-designated important breeding areas, wintering Hen Harrier SPAs, and non-designated important wintering areas.
- The HHTRP must transparently outline a plan to deliver the restoration of afforested peatlands and grasslands within nationally important breeding and wintering sites; bearing in mind synergies with Ireland's National Restoration Plan, the Climate Action Plan and the National Land Use Review. Within the six SPA's the NPWS must lead on the design and implementation of a programme of forestry removal, habitat restoration and forest restructuring which delivers total forest cover significantly

¹⁰ [2020 Programme for Government](#) states regarding Coillte "Ensure that Coillte's remit supports the delivery of climate change commitments and the protection of biodiversity. We are fully committed to the retention of the commercial forests of Coillte in public ownership". And in relation to Bord na Móna "Ensure that Bord na Móna is required to take into account climate, biodiversity, and water objectives, as they deliver on their commercial mandate, through an amendment to the Turf Development Acts 1998".

below the 40% threshold (ca. 20,000ha removal) identified by research^{11 12} as being incompatible with viable Hen Harrier breeding populations.

- The HHTRP must adopt actions which convey clear targets and timelines for habitat restoration which will deliver most for Hen Harrier conservation, by prioritising increasing the size of areas of suitable habitat, increasing habitat connectivity and coherence and reducing edge effects with forestry. Vague actions such as Action 10 “*Explore opportunities for collaboration to facilitate restoration of the Hen Harrier SPAs*”, must be replaced with clear actions with defined and measurable targets and timelines.
- Appropriate protection measures must be developed and implemented to ensure that disturbance and displacement of breeding Hen Harriers, from forest management activities and recreation is prevented in all nationally important breeding and wintering areas.

Farming

Hen Harriers are dependent on the continuation of the sustainable farming practices which have maintained their habitats for generations. The development and implementation of a Locally Led Agri-environmental Scheme for Hen Harriers has been the most positive outcome of the HHTRP process to date.

- It is essential that farmers continue to be supported by results based agri-environmental schemes to deliver quality habitat for Hen harrier in both nationally important breeding and wintering grounds.
- The Department of Agriculture, Food and Marine should commit to finance and administer long term (e.g. 15yr schemes), in order to provide stability and financial security for landowners.
- The Department of Agriculture, Food and Marine must continue to address perverse policies and regulations which either incentivise or fail to regulate activities which degrade and destroy habitat both within protected sites and the broader countryside e.g reforming the EIA Agriculture regulations, fully implement GAEC 2, ensure no drainage, no burning and sustainable stocking densities on grazed Blanket Bog and Wet Heath.
- The Department of Agriculture, Food and Marine must immediately reverse the decision to eliminate 85% winter stubble on arable land through shallow cultivation rules in the Nitrates Action Plan 2022 until research is undertaken and published to assess the impact of such a measure on Hen Harrier and other bird species for which winter stubble is a critically important foraging habitat and food source during the winter¹³.

¹¹ Wilson, M. W., O'Donoghue, B., O'Mahony, B., Cullen, C., O'Donoghue, T., Oliver, G., Ryan, B., Troake, P., Irwin, S., Kelly, T. C., Rotella, J. J. and O'Halloran, J. (2012). Mismatches between breeding success and habitat preferences in Hen Harriers *Circus cyaneus* breeding in forested landscapes. *Ibis*, 154: 578–589

¹² Irwin, S., Wilson, W., O'Donoghue, B., O'Mahony, B., Kelly, T., O'Halloran, J. (2012). Optimum scenarios for hen harrier conservation in Ireland; Final Report 2012. Prepared for the Department of Agriculture, Food and the Marine by the School of Biological, Earth and Environmental Sciences, University College Cork.

¹³ [BirdWatch Ireland submission and position paper](#) on Winter Stubble and Green Cover (shallow cultivation) requirement

Wind Energy

There is no action within the draft HHTRP which explicitly addresses the core pressures associated with wind energy development in Ireland, both within and outside of designated sites. Considering the known negative relationship between Hen Harrier conservation and wind energy development, as outlined in the available scientific advice, including the ‘Hen Harrier Conservation and the Wind Energy Sector in Ireland¹⁴’ report; the following new actions must be included in the HHTRP:

- A moratorium must be placed on wind farm development and repowering within all nationally important Hen Harrier breeding and wintering grounds.
- The NPWS should publish a specific guidance note within Action 56 on the Cumulative Impact of Wind Energy Developments on Birds pursuant of Art 6(3) and 6(4) of the Habitats Directive.
- The NPWS and planning authorities must ensure, in relation to all nationally important breeding areas, that wind farm applications consider potential negative impacts at the landscape and nest site scale on breeding Hen Harrier within their breeding range in Ireland, considering the best available scientific advice on the foraging range of breeding Hen Harrier¹⁵.

ENDs

¹⁴ DHLGH (2022) Hen Harrier Conservation and the Wind Energy Sector in Ireland <https://irishriverproject.com/wp-content/uploads/2022/12/hen-harrier-and-the-wind-energy-sector.pdf>

¹⁵ Irwin, S., Wilson, M., O'Donoghue, B., O'Mahony, B., Kelly, T., & O'Halloran, J. (2012). Optimum scenarios for Hen Harrier conservation in Ireland. Cork: Department of Agriculture, Food and the Marine by the School of Biological, Earth and Environmental Sciences, University College Cork.